

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**In Re:**

**CASE NO. 15-04334 (BKT)**

**MAGALY CALDERO LOPEZ**

**CHAPTER 13**

**OBJECTION TO CLAIM OF EXEMPTIONS**

**TO THE HONORABLE COURT:**

Comes now creditor BT (Recovery) Corp., represented by the undersigned counsel, who respectfully states, alleges and prays as follows:

1. Debtor filed the instant petition for relief under Chapter 13 on June 6, 2015.
2. BT (Recovery) Corp. is a secured creditor in this case being the holder of a judicial lien recorded over debtors' real property. On June 11, 2015, BT filed Proof of Claim no. 1 for the secured amount of \$119,762.42.
3. BT Recovery's claim stems from a judgment entered against the debtor at the Bayamón Superior Court in case No. DCD2000-2540. This judgment was entered on May 25, 2006.
4. On Schedule A of the Petition, the debtor informs that she is the owner of a real property located at Chalets de Royal Palm, Apt. 501, Bayamón. The debtor values this property in the amount of \$140,000.00.
5. On Scheduled D of the petition, the debtor informs that this property is subject to a first mortgage in favor of BPPR for the amount of \$4,230.74. Aside from this first mortgage, the other lien over this property is the judicial lien recorded in favor of the appearing creditor.
6. On Schedule C of the petition, the debtor claimed an exemption in the amount of \$140,000.00 over the real property located at Chalets de Royal Palm. The debtor claimed this exemption under to the Puerto Rico Homestead Act (Law 195- 2011, 31 LPRA 1858).

7. Pursuant to Federal Bankruptcy Rule 4003(b), creditor BT (Recovery) Corp. hereby objects to the amount of the homestead exemption claimed by the debtor.

8. Article 17 of the Homestead Act (Law 195-2011) provides:

"This Law will become effective immediately after its approval and the protection afforded herein shall have **prospective application**. For cases that were filed in Court **prior to the approval of this Law**, when applicable, **the applicable homestead protection shall be the one established in Law Number 87 of the 13th of may of 1936, as amended**".

(our bold)

9. The judgment entered by the Bayamón Superior Court was obtained prior to the enactment of the 2011 Homestead Act. As such, pursuant to Article 17 of this Law, the amount of the homestead exemption that the debtor may claim against the appearing creditor is \$15,000.00.

10. Based on the former, creditor BT Recovery objects to the homestead exemption of \$140,000.00 claimed by the debtor in Schedule C. The creditor requests that this exemption be denied, and that the debtor be allowed instead the exemption available under Law 87-1936 which is \$15,000.00.

11. Debtor is not a member of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense.

**WHEREFORE**, BT (Recovery) Corp. respectfully prays that the Court grant the present objection and deny the amount of the homestead exemption claimed over the above mentioned, allowing instead the exemption available under Law 87-1936.

In San Juan, Puerto Rico, this 17 day of August of 2015.

**NOTICE**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS(1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

**I HEREBY CERTIFY** that on this same day I electronically filed the foregoing document with the Clerk using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

*s/ Eduardo J. Mayoral García*  
**EDUARDO J. MAYORAL GARCÍA**  
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## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: CALDERO LOPEZ

First Name: MAGALY

Middle Name:

Active Duty Status As Of: Aug-17-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
 Department of Defense - Manpower Data Center  
 4800 Mark Center Drive, Suite 04E25  
 Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

**Certificate ID: 8B4BB94FL198950**